

Applicant: Seymour, et al.
Application/Control No.: 10/737,048
Filed: 12/16/2003
For: BRACKET ASSEMBLY

Art Unit: 3632
Examiner: Sterling, Amy Jo

REMARKS:

The rejection of Claim 1-3 under 35 U.S.C. §102(b) as being anticipated by Bolante et al. 4,490,576 (hereafter, Bolante) is respectfully traversed and reconsideration is requested.

"Factual determination of anticipation requires disclosure in single reference of every element of claimed invention, and examiner must identify wherein each and every facet of claimed invention is disclosed in applied reference." Ex parte Levy: 17 USPQ2d; PTO Bd of Pat. App. and Int.; October 16, 1990

Bolante relates to a connector for jacketed metal clad cable and is apparently cited for its showing of a retainer element 14 having a spoked aperture; however, in spite of the Examiner's attempt to characterize Bolante's retainer element 14 with the words of applicants claims, a simple review reveals the impropriety of such action.

The instant claims require, *inter alia*:

"a metal support having a major part that is substantially rigid and includes an aperture formed by a plurality of deflectable spokes" (Emphasis added).

Element 14 of Bolante has no such structure, and the specification of Bolante specifically says as much, see, for example, Bolante, col. 3, line 61, wherein the element 14 is described as having "a thin outer rim or annulus 60". It is not understood how this can be construed to be a "support having a major part that is substantially rigid". It would appear that the "major part" of Bolante's element 14 is empty space (See, for example, Bolante Figs. 2 and 4). As a matter of fact, the very circumstances of the Bolante connector, with the element 14 contained within the connector body 12, eliminates the need for a "support having a major part that is substantially rigid".

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Accordingly, the rejection is in error and this application is in condition for immediate allowance and such action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. H. McNeil', written in a cursive style.

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